Supreme Court, U. S.
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MICHAEL RODAK JR., CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1978

No. 78-1143

CYRUS VANCE, Secretary of State, Appellant

v.

LAURENCE J. TERRAZAS

On Appeal From the United States Court of Appeals For the Seventh Circuit

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APPENDIX TO BRIEF FOR THE APPELLEE

Item		Page
1.	P.21 of Deposition of Wyatt Johnson	A1
2.	Excerpt from Direct Examination of Wesley Parsons Feb. 15, 1976 (P.219) Parsons advised that obtaining of Certificate of Mexican Nationality was expatriating act.	A2
3.	Parsons Cross-examination (P.262) Parsons acknowledgement that Terrazas was surprised and did not know that he had expatriated himself. Also admission did not tell Terrazas to seek a lawyer	A3
4.	Parsons Cross-examination (P.257) Parsons admission that he did no investigation when informed that Terrazas did not believe that he had lost his rights as a U.S. Citizen.	A4
5.	Parsons Cross-examination (P.263) Admission of mistake of law and misrepresentation of law by Parsons.	A5

		Page
6.	Ibarra Re-direct examination (P.465) Admission that Terrazas did no action in the Consular Office to expatriate himself. That the Certificate of Mexican Nationality was deemed to have expatriated him. The expatriating act was November 1970.	A6
7.	Ibarra Direct examination (P.302) Admission that a Mexican National was making determinations as to which Americans were to be expatriated.	A7
8.	Ibarra Cross-examination (P.400) Admission by Ibarra that she made changes in Exhibit 14A.	A8
9.	Ibarra Cross-examination (P.402) Testimony as to manner of changes.	A9
10.	Ibarra Cross-examination (P. 403) Testimony as to modus operandi in documenting lost citizenship.	A10
11.	Ibarra Cross-examination (P.404) " " "	A11
12.	Ibarra " " (P 407) " " "	A12
13.	Ibarra " " (P.410) " " "	A13
14.	Ibarra " " (P.415) Admission that there is no oath in Mexico.	A14
15.	Ibarra Cross-examination (P.417) Admission to no inquiry by the Department of State or the Mexican authorities.	A15
16.	Ibarra Cross-examination (P.418) " " "	A16
17.	Parsons Cross-examination (P.269) Admission by Parsons that the Department of State was not informed as to all the facts prior to issuing Certificate of Loss of Nationality.	A17
18.	Parsons Cross-examination (P.273) Admission that the possession of Certificate of Mexican Nationality was the only expatriating act.	A18
19.	Parsons Cross-examination (P. 274) Indication of lack of knowledge on the part of Parsons in "documenting" the case.	A19
20.	Parsons Cross-examination (P.235) Admission that Parsons knew what an oath was.	A20

		Page
21.	Parsons Cross-examination (P.236) Admission that Exhibit 32 bore a signature which Parsons did not recognize.	A21
22.	Parsons Cross-examination (P.237) Admission that Terrazas' signature is not on the Certificate of Mexican Nationality.	A22
23.	Application for Registration (4 pages) dated December 16, 1971.	A23
24.	Birth Certificate Laurence Terrazas	A27
25.	Certificate of Loss of Nationality	A28
26.	Excerpts from Foreign Affairs Manual which Parsons used.	A29
27.	Uncontested testimony of Laurence Terrazas relative to alleged Application for Certificate of Mexican Nationality, Nov. 16,1970 (PP.25,26,27)	A33
28.	Excerpts from uncontroverted testimony relative to the execution of one of the two Applications (PP. 19,31,37)	A36
29.	Uncontroverted testimony as to how Terrazas got to the Consulate (P.560)	A39
30.	Testimony of Laurence Terrazas relative to the execution of Exhibits 14 and 14A (PP.558,559)	A40
31.	Excerpt of testimony of Laurence Terrazas accusing Parsons of representing to him that he (Terrazas)had committed an overt act of treason (P.551)	A42
32.	Denial of Laurence Terrazas that he executed Exhibit 32 (being an Application for Certificate of Mexican Nationality which Parsons also admitted did not bear Terrazas' signature (P.555)	A43
33.	Article from Chicago Tribune of Jan.29,1979 wherein the newspaper reports that Immigration and Naturalization Service is unable to keep track of aliens.	A44

From the testimony of Wyatt Bernard Johnson given during Evidence Deposition taken in the U.S. District Court proceeding.

BY MR. DENT:

Q All right. In any event, you were in Mr. Parsons' office?

A Yes.

Q And was anyone else there?

A No. [illegible]e and I were there. He showed me this document that this lawy[illegible] had written and the lawyer -- and as I recall, them going back [illegible]ve years, it says, "Come now, Mr. Parsons, we must all -- we all make mistakes. We must amend our ways, and admit to our [illegible]rors."

He was trying to put the blame on Wes as far as why this man rend[illegible]ed. In other words, Wes made him do this and Wes put out [illegible]her paper where he had signed, this is -- he said to me thi[illegible]s a lesson --

Are you allowed to use profanity or just --

MR. DITKOWSKY: Use it. Use the word he said.

MR. DENT: Is it necessary for him?

You use it, yes, if --

BY THE WITNESS:

A Well, he said this is a lesson in C Y A.

MR. DITKOWSKY: C Y A?

MR. DENT: Cover your ass, I think. It's a legal term.

BY THE WITNESS:

A Yeah, he said, and this is why -- he said to me

Terrazas or Larry Terrazas.

"Question: Was anyone else present in the room?

"Answer: I don't think so. I think it was just Wesley, John and myself."

Does that statement comport with your recollection of the first meeting?

A No, it does not.

Q All right; at the time of your first meeting with Mr. Terrazas, did he mention to you -- well, did he in your discussions with regard to the Mexican Certificate ask or mention to you its effect on his American citizenship?

Admission by Parsons that he misled Terrazas in informing him that CMN is exp. act

A Well, after he told me that he had one, and so forth, I advised him that as far as I knew, obtaining a Certificate of Mexican Nationality was an expatriating act. We discussed it in that context. In fact, I just finished saying: If you have got a Certificate of Mexican Nationality, you've committed an expatriating act and you've lost your citizenship.

Q Did he ever say to you that he did not see that he could have jeopardized his American citizenship?

A That he did not see how he could have jeopardized his American citizenship?

Q Yes.

A I don't recall him ever having said that.

MR. DITKOWSKY: This seems to be impeaching

MR. DITKOWSKY: Okay, I will withdraw the question.

BY MR. DITKOWSKY:

Q Now, Mr. Witness, you testified that when you told Mr. Terrazas that he had expatriated himself, that he was surprised, is that correct?

A He was surprised, yes. Yes, I would say he was surprised.

Q As a matter of fact, he didn't know that he had expatriated himself, isn't that true?

A Yes, that is true. He was not aware that he had expatriated himself.

Q And he didn't know that he had allegedly expatriated himself until you told him that he had, isn't that correct?

A That is true.

Q And did you tell him the consequences of expatriation?

A The consequences of expatriation? We discussed right there in the office how to get back to the United States, what he would have to do to apply for a visa, and so on and so forth. He brought up the matter of the draft.

Q Did you tell him to seek counsel of a lawyer?

A No, I did not.

his renunciation. If you have got anything that impeaches this man's testimony, let's hear it.

BY MR. DITKOWSKY:

Q What did you do when you read this document -- I am referring again to 15 -- and read the words, quote: "I did not believe that by so doing, I would lose my rights as an American citizen"?

8 FAM 224.9 provides for protections for citizen, yet no protection was afforded. Parsons according to Johnson C.Y.A

A Again, nothing. I didn't do anything.

Q Did you believe that you should then have the witness sign another document in direct contradiction to this document?

A This was Mr. Terrazas' statement. This was a statement that he wanted to make the Department of State.

This was Mr. Terrazas' statement. I asked Mr. Terrazas to subscribe and swear before me, and I didn't do anything with that piece of paper, Mr. Ditkowsky. I want to make it clear.

MS. MOSELEY: Your Honor --

BY MR. DITKOWSKY:

Purpose of legal counself is illustrated- to prevent the presentation of documentation which does not reflect the truth, but which can be use against

Q But you had him sign another document that said that he did believe that he was giving up his American citizenship, isn't that correct?

A Mr. Ditkowsky, a document was presented for his signature. Now, he signed it. I want to make it clear I can't force anyone to sign anything.

A To speak to whose superiors, sir?

Q The people who were to supervise you?

A No.

Q Did you tell him to seek the counsel of anybody else beside yourself?

A No.

Q Did you at this point tell him that he was an alien of the United States?

A Sir, there is no such thing as an alien of the United States.

Q Did you tell him he was no longer a United States citizen?

A I told him that to the best of my knowledge and understanding of the law, he had committed an expatriating act. Again, he wanted an authoritative decision. I explained to him the only way to get it was a Certificate of Loss. I couldn't approve a Certificate of Loss, that it had to go to Washington. But in every case that I had seen like this before or it had been my experience to hear about, the Certificate of Mexican Nationality was considered to be an expatriating act. It had always been upheld. n.B Parsons misrep of the law. Not true in Matheson case.

Q Sir, did he tell you that he wanted a Certificate of Loss of Nationality?

A No, sir. He told me what he wanted was a letter that he was no longer a citizen so that he could advise his

THE COURT: Just another case you were handling?

THE WITNESS: Yes.

BY MS. MOSELEY:

Q Did Mr. Terrazas take any action at the United States Embassy, at the Consular Office, that would have expatriated him?

A At the Embassy?

Q At the Embassy. When you met him, did he take any action which would have expatriated him, or at the Consular Office, I am sorry. Did he take any action at the Consular Office that would have expatriated him?

A Not that I remember.

Q The Certificate of Loss did not expatriate him, did it?

A The Certificate of Loss? No, it was the Certificate of Mexican Nationality.

Q And when was the expatriating act to the best of your understanding?

A November 1970.

Q And that was before Mr. Terrazas ever came to the Consular Office, isn't that correct?

A Yes.

Q So that at the time you met Mr. Terrazas, it was too late, or did you consider it to be too late to do any-

Duties of Ibarra, a Mexican National, to make DETERMINATIONS as to citizenship. 302

THE COURT: Just the Officer?

THE WITNESS: Yes, sir.

THE COURT: All right, proceed, now.

MS. MOSELEY: Your Honor, in connection with Ms. Ibarra's testimony, I present for the Court's attention a Career Summary similar to Mr. Parsons'.

THE COURT: Will you give a copy to Ken? Do you have a copy, Ken?

MS. MOSELEY: A copy has been provided to Mr. Ditkowsky. It is marked Defendant's Exhibit 35-A.

THE COURT: All right.

BY MS. MOSELEY:

Q In August of 1971, what were your duties with the Consular Office?

A I was a Consular Assistant, and I was taking passport applications and making determinations of nationality.

THE COURT: Keep your voice up now.

MR. DITKOWSKY: I am sorry, I didn't hear the last.

THE WITNESS: Making determinations of nationality.

BY MS. MOSELEY:

Q Have you ever met Laurence James Terrazas, the plaintiff in this case?

A Yes, I have.

Q When did you first meet him?

A About the end of August of 1971 or early September.

Ms Ibarra is a Mexican National who in open Court admits making changes on Exhibit 14 a 400
many occasions you made changes in a document referred to as 14-A?

THE COURT: Objection; immaterial.

MS. MOSELEY: Objection.

MR. DITKOWSKY: No, it is not, your Honor.

THE COURT: Objection sustained. You are talking about documents generally?

MR. DITKOWSKY: No. No, I am talking about 14-A.

THE COURT: I know. You are talking about 14-A documents generally or this specific document?

MR. DITKOWSKY: This specific document.

THE COURT: Reframe your question.

MR. DITKOWSKY: All right.

BY MR. DITKOWSKY:

Q You testified on direct examination that you made changes on Exhibit 14-A, isn't that correct?

A Yes.

Q At how many different times did you make changes on No. 14-A?

MS. MOSELEY: Objection, your Honor.

THE COURT: Overruled. She may answer.

THE WITNESS: How many different times?

MR. DITKOWSKY: Yes.

THE COURT: Did you make these changes at one sitting or different times?

relative to some of the changes on 14 a . Plaintiff contends that Westley Parsons made changes on the documents also. 402

THE COURT: No, she may answer.

THE WITNESS: What was the question again?

THE COURT: Were they both ballpoint pens?

THE WITNESS: No, it doesn't seem so.

THE COURT: You don't think so?

THE WITNESS: No.

MR. DITKOWSKY: N.B. on pages 401 and 402 the witness testified that the changes were made on one visit.

Q I call your attention to the scratching on question No. 2, and I ask you if you used the same pen to scratch the answer to No. 2 as you used to write in the margin of the document, the right-hand margin of the document?

A The same pen was used on the data that appears on: Date of Application and on Mexican Nationality, but it is not the same as the one used to cross out the word "yes" and to write "no."

Q Are they both the same color as well?

A They are the same color.

Q Now, in examining 14-A, did you on one occasion print and on another occasion use handwriting?

A Yes.

Q And is it your testimony that the memorandum on the right-hand side of 14-A is in your handwriting? Is that correct?

A Here where it says "Mexican Nationality"? Yes, that is my handwriting.

Modius operanti of the defendant in allowing a Mexican National the right to make decisions of American citizenship 403

Q And the word "over" is in your handwriting?

A Right.

Q Now, if we turn to the page labeled 4, is this also your handwriting?

A Yes, this was also my handwriting.

Q And if we refer you to the answer to Paragraph 6(d), you used two pens in that answer, is that correct?

A Which one is it?

Q Here (indicating).

A Yes.

Q And you did this all at one sitting?

A To the best of my recollection.

Q Do you have any other recollection?

A No.

Q Is there anything that will refresh your recollection?

A No.

Q Now, when you saw this document, 14-A, did you bring its contents to the attention of your immediate supervisor, Mr. Parsons?

A No, I did not.

Q Why did you not?

A I don't know.

Q Did you read the portions that you struck out?

A Probably, yes.

Q You say "probably, yes"?

A Yes.

Q Would you have stricken something out that you didn't read?

A No, that is why I said "probably yes."

Q Okay. What did you do when you read the words:

words stricken from 14 a "I do not consider that what I have done is an overt act. However, that is what I have been told by the American Consulate Officer in Monterrey, Mexico."?

A Nothing specifically on that sentence.

Q Did you ask Mr. Terrazas what had been told him?

A I don't remember. (witness signed an affidavit on this subject denying that Parsons told P1 similar words)

Q When you read words to the effect that Mr. Terrazas said:

"I didn't consider myself to be a lawbreaker."

Did you ask Mr. Terrazas what he meant by that?

A I do not remember.

MS. MOSELEY: Objection, your Honor.

THE COURT: Overruled.

MS. MOSELEY: I object to the statement characterized by counsel.

THE COURT: Overruled.

MR. DITKOWSKY:

Q When you read words to the effect of Mr. Terrazas

swearing allegiance to a foreign country."

Q When you read the words "I didn't realize at the time," what did you do?

A Nothing that I remember.

Q Did you call it to Mr. Parsons' attention?

A No, I did not.

Q Weren't you concerned that this individual may not have taken a voluntary oath of allegiance to Mexico?

MS. MOSELEY: Objection, your Honor.

THE COURT: Overruled. She may answer.

THE WITNESS: Please repeat the question.

MR. DITKOWSKY: Would the court reporter read the question back?

THE COURT: Weren't you concerned that Mr. Terrazas had not taken a voluntary oath of allegiance to Mexico? Did that occur to you?

THE WITNESS: It did not.

THE COURT: It didn't raise anything in his actions?

THE WITNESS: I don't remember.

THE COURT: Was there anything in his actions or conversations with you, either with you or in the presence of Parsons, in which Mr. Terrazas said or inferred by any language he used that he was forced to do anything in connection with the statements?

THE WITNESS: No.

that.

Did you do anything when you read:

"I didn't believe that I was committing any overt or treasonable act against the United States."

Did you do anything when you saw that?

A Not that I remember.

Q Did you give these documents to Mr. Parsons?

A Yes, I did.

Q And did he have them in his official capacity as a Consular Official of the United States of America?

A Yes.

MS. MOSELEY: Your Honor --

BY MR. DITKOWSKY:

Q Are there any marks on the document referred to as 14-A in red that you did not place on there?

MS. MOSELEY: Your Honor, before the witness answers the question, counsel has just asked a question of her with regard to a statement in Exhibit 15 that is not in that document anywhere.

THE COURT: It isn't?

MS. MOSELEY: No.

MR. DITKOWSKY: There was testimony. We had it at the deposition.

THE COURT: You are talking about the original. I

A I don't remember.

THE COURT: Do you recall calling Mr. Parsons' attention to anything in this document at all?

THE WITNESS: No, sir.

THE COURT: All right; that covers the whole gamut of it.

MR. DITKOWSKY:

Q Now, is it true that Mexico has abolished the oath for obtaining Certificates of Mexican Nationality?

A Which oath?

Q The oath that one stands before an official and raises his hand to God and swears allegiance?

A Yes.

MS. MOSELEY: Objection.

THE COURT: Overruled.

Apparently, you struck out from one of these documents the oath of allegiance.

THE WITNESS: The oath of allegiance to the United States.

BY MR. DITKOWSKY:

Q That was the United States?

THE WITNESS: Yes.

THE COURT: All right.

BY MR. DITKOWSKY:

Q Now, what is the procedure for obtaining a Certifi-

Note: I Ibarra dict. 1 cert. of loss how to obtain cert/Nat. 1/17

Q Yes.

A I don't know for sure.

Q Does he have to sign for the document?

A He has to apply for the document.

Q At the Ministry of Foreign Affairs?

THE COURT: She says she doesn't know. Put another question to her.

BY MR. DITKOWSKY:

Q Prior to typing up the Certificate of Loss of Nationality which you sent to the State Department along with the accompanying exhibits, at any time did you discover that Mr. Terrazas had raised his right hand and took an oath of allegiance to the Republic of Mexico?

MS. MOSELEY: Objection.

THE COURT: If she knows, she may answer.

THE WITNESS: I don't know.

BY MR. DITKOWSKY:

Q What is your answer?

A I don't know.

Q Did you make any inquiry of any person to determine if Mr. Terrazas had raised his right hand and taken an oath of allegiance to the Republic of Mexico?

A No; I did not.

Q Did you make any inquiry subsequent to the issuance of the Certificate of Loss of Nationality?

A I believe at some time later, we requested the Embassy to obtain confirmation of this, but I'm not sure of it.

Q When did Mr. Terrazas raise his right hand and swear allegiance to the Republic of Mexico?

MS. MOSELEY: Objection.

THE COURT: If she knows, she may answer.

THE WITNESS: I don't know.

BY MR. DITKOWSKY:

Q Now, I show you Exhibit 15 -- have you exhausted your recollection on the procedure for obtaining a Certificate of Mexican Nationality?

A I don't know what you mean by "exhausted"?

Q Do you have any other information on the obtaining of a Certificate of Mexican Nationality, other than what you have testified to in court?

A Would you repeat the question, please?

THE COURT: Do you want to add anything to what you explained as to the manner in which this application was made? Just a few minutes ago, you told us what you thought one had to do to get the application. Did you tell us all that you think he had to do?

THE WITNESS: Yes.

THE COURT: All right. Do you want to refresh your recollection about something? Go ahead and do it.

Q Did you inform the Department of State that Mr. Terrazas was surprised when you told him that he allegedly expatriated himself?

A To the best of my recollection, I did not.

Q Did you inform the Secretary of State that Mr. Terrazas believed that he had committed an overt act of treason?

MS. MOSELEY: Objection, your Honor. Object to the form of the question.

THE COURT: He may answer.

THE WITNESS: No, I did not inform the Department of State of that fact.

BY MR. DITKOWSKY:

Q Did you inform the Department of State that Mr. Terrazas believed that because he obtained the Certificate of Mexican Nationality he could no longer go home to his family?

A No, I had no reason.

Q Did you call Mr. Terrazas' school to find out if they required a Certificate of Nationality for a diploma?

MS. MOSELEY: Objection, your Honor.

THE COURT: He may answer.

THE WITNESS: No, I did not.

BY MR. DITKOWSKY:

Q Did you inquire of Mr. Terrazas why he applied

BY MR. DITKOWSKY:

Q Did you immediately upon learning of the mistake in your interrogatory try to contact the U. S. Attorney to correct your answer?

A Immediately? No, I didn't.

Q Now, did you find that Mr. Terrazas committed any other expatriating act besides allegedly taking an oath of allegiance to the Republic of Mexico?

A No, I didn't.

Q And you didn't make any recommendation that he had committed any other expatriating act, is that correct?

A I would like to see the FS-176S which is my recommendation.

Q Well, of your recollection now after testifying and seeing it this morning, is your recollection that you found no other expatriating act?

A I would like to see the 176. To the best of my knowledge, the Certificate of Mexican Nationality is the only expatriating act that we brought forth in this case.

Q And Mr. Terrazas did not in your presence renounce his American citizenship, is that correct?

A No, he did not.

Q And when you investigated, did you find that Mr. Terrazas had voted in a Mexican election?

MS. MOSELEY: Objection, your Honor.

THE COURT: He may answer.

THE WITNESS: I don't know whether Mr. Terrazas voted in a Mexican election or not.

BY MR. DITKOWSKY:

Q Do you know if Mr. Terrazas served in the Mexican Army?

A I have no knowledge whether Mr. Terrazas served in the Mexican Army or not.

Q Do you know if Mr. Terrazas held political office?

A. I have no knowledge of whether Mr. Terrazas held political office in Mexico or not.

Q Did you make inquiry?

A To the best of my recollection, at the time we initially documented this case, we did not make inquiries into those matters.

Q Did you talk to anyone other than Mr. Terrazas?

A When we initially documented this case? When did we talk?

Q Prior to sending in a recommendation that Mr. Terrazas had expatriated himself?

A No.

Q Did you contact Attorney Rebollar?

A Who?

Q Rebollar.

MS. MOSELEY: Objection.

RELATIVE TO TAKING OF AN OATH

A In my opinion, on the FS-176, that is essentially what I said. The opinion that you have got there, written, will tell you exactly what I said.

Q Now, Mr. Witness, do you know what an oath is?

A An oath?

Q Yes.

A I believe that I do, yes.

Q Did the Clerk of this Court when he swore you in to tell the whole truth and nothing but the truth give you a proper oath?

A I believe that he did, yes.

Q And when you subscribe a document, do you give an oath in the same manner?

A A little differently. You ask the person to solemnly swear, you know, and so forth, yes.

Q You have him raise his hand to God to tell the truth?

A Yes.

Q And an oath requires someone to give that oath, isn't that correct?

A An oath under American law requires that type of thing. It may not operate that way in a foreign jurisdiction, and, in fact, it does not.

Q Now, in point of fact, in Mexico, they have abolished the oath, isn't that correct?

A No.

MR. DITKOWSKY: May I have your Exhibit 32, please?

BY MR. DITKOWSKY:

Q I want to ask you if you ever saw Exhibit 32 before?

A No, I did not.

Q What is Exhibit 32?

MS. MOSELEY: Objection. The witness has answered that he has never seen the document before.

THE COURT: He can identify it from looking at it, and identify it.

THE WITNESS: This appears to be an application for someone who wishes to apply for a Certificate of Mexican Nationality, a copy of one.

BY MR. DITKOWSKY:

Q Do you see anybody's signature on there that you recognize?

A I don't know whose signature is on this document. I have no way of knowing.

Q Now, Mr. Witness, did you examine the Application for Certificate of Mexican Nationality that promulgated the Certificate of Nationality that Mr. Terrazas allegedly showed you?

A No, I did not.

Q You did not?

A I did not.

Q Well, let me ask you this: Did Mr. Terrazas appear to sign the Certificate of Mexican Nationality?

A The Certificate of Mexican Nationality does not have Mr. Terrazas' signature on it to my knowledge. I do not believe it is on it. His photograph is attached.

Q Then you as a matter of your own personal knowledge have no knowledge whether Mr. Terrazas took an oath at any time, do you?

A It is my understanding that a Certificate of Mexican Nationality --

Q That is not my question, sir. I would like you to answer my question.

Do you of your own knowledge know that Mr. Terrazas took an oath to the Republic of Mexico?

A Yes.

Q All right; in front of what officer did he take an oath?

A The laws of the Republic of Mexico --

Q Sir, I wish you would answer the question.

THE COURT: No, he may answer the question.

THE WITNESS: -- do not require him to make the oath in front of an officer.

MR. DITKOWSKY: Your Honor, I ask that he be directed to answer the question.

DEPARTMENT OF STATE

APPLICATION FOR ☐ PASSPORT ☒ REGISTRATION

(Use additional sheets when space provided is not adequate)

POST LOCATION: Monterrey, Mexico

POST ACTION

PASSPORT ISSUED
No.
Date
Expires
☐ $1 Application fee collected
☐ $9 Fee collected
☐ No Fee passport
☐ Official passport

REGISTRATION APPROVED
Date
Expires
CARD (CERT.) OF IDENT. & REG.
No.
Date
☐ $1 fee collected (for card or cert.)
☐ 48-page passport

A — TO BE COMPLETED BY ALL APPLICANTS

I Laurence James Terrazas (First name) (Middle name) (Last name), a citizen of the United States, do hereby apply for a passport (registration)

DATE OF BIRTH (Month / Day / Year)	PLACE OF BIRTH (City, state/province, country)		
Dec 13 '47	Takoma Park, Md., U.S.A.		
HEIGHT	COLOR OF HAIR	COLOR OF EYES	SOCIAL SECURITY NO.
5 Ft. 10 In.	brown	brown	355-38-6165
VISIBLE DISTINGUISHING MARKS		OCCUPATION	
none		Bus. Admintr.	

MY LAST PASSPORT WAS OBTAINED FROM (Note: If included in another's passport, state name of bearer)
Location of Issuing Office: —
Date of Issuance:
Bearer:
Number:
☐ Submitted herewith
☐ Seen and returned
☐ Other disposition (State)

MY LAST REGISTRATION AS A CITIZEN OF THE UNITED STATES WAS APPROVED
Location of Registering Office: —
Date of Registration:

NOW RESIDING AT: Mexico
Guayana Holandesa 331, Mtry., N.L.
PERMANENT RESIDENCE (Street address, city, state, U.S. ZIP Code) (If same as above, write "Same")
8036 N. Merrill, Niles, Illinois 60648
IN THE EVENT OF DEATH OR ACCIDENT NOTIFY (Name in full, relationship, street address, city, state)
Mrs. LaVerne Terrazas (mother) 8036 N. Merrill, Niles, Ill. 60648

HAVE YOU EVER BEEN REFUSED A PASSPORT OR REGISTRATION AS A CITIZEN OF THE UNITED STATES? ☐ Yes ☒ No
IF ANSWER IS "YES", EXPLAIN WHEN AND WHY

B — TO BE COMPLETED BY AN APPLICANT WHO BECAME A CITIZEN THROUGH NATURALIZATION

I IMMIGRATED TO THE U.S.	I RESIDED CONTINUOUSLY IN THE U.S.	NATURALIZATION CERTIFICATE NO. ☐ Submitted herewith ☐ Seen and returned ☐ Previously submitted	DATE NATURALIZED
PLACE NATURALIZED (City, state)		NATURALIZATION COURT	

C — COMPLETE ONLY IF OTHERS ARE TO BE INCLUDED IN PASSPORT OR REGISTRATION AND SUBMIT GROUP PHOTOGRAPH

(WIFE'S) (HUSBAND'S) FULL LEGAL NAME	☐ NATIVE BORN ☐ NATURALIZED	NATURALIZATION CERTIFICATE NO. ☐ Seen and returned	DATE NATURALIZED
PLACE NATURALIZED (City, state)		NATURALIZATION COURT	

NAME IN FULL OF CHILDREN INCLUDED	PLACE OF BIRTH (City, state/province, country)	DATE OF BIRTH (Month, day, year)	RESIDED IN U.S. (From-
	PASSPORT OFFICE DEC 14 1971		

D — EVIDENCE OF PRIOR DOCUMENTATION OF ABOVE-NAMED PERSONS TO BE INCLUDED (For completion by Consular Office)

NAMES	PASSPORT NO.	DATE OF ISSUE	CANCELLED OR OTHER DISPOSITION	DATE OF REGISTRATION OR BIRTH REPORT	LOCATION OF OFFICE
			RECEIVED DEC 16 1971		

E — OTHER EVIDENCE OF U.S. CITIZENSHIP PRESENTED (State disposition)
SEE FS-1765
PASSPORT OFFICE PT/FNS

FORM FS-176 (OVER - YOU MUST COMPLETE PAGE 2) FORM APPROVED BUDGET BUREAU NO. 42-

FORM APPROVED BUDGET BUREAU NO. 42-

DEPARTMENT OF STATE

SUPPLEMENTAL APPLICATION STATEMENT TO BE COMPLETED AS REQUIRED BY CONSUL

☒ First Time Applicant
☒ Referred to Department for Decision
☐ Marriage Prior to March 3, 1931
☐ Resided Outside United States Over 10 Years Since Last Application

(First name) (Middle name) (Last name)

I Laurence James Terrazas a United States citizen, do solemnly swear (affirm) to the following statements.

I CEASED TO RESIDE IN THE UNITED STATES ON OR ABOUT	I DEPARTED FROM THE UNITED STATES ON (Date)
May, 1968	May 13, 1968
I DEPARTED BY ☒ Auto. ☐ Ship ☐ Airline — NAME OF SHIP OR AIRLINE COMPANY	PLACE OF DEPARTURE
I left in my father's car	Laredo, Texas
I HAVE SINCE RESIDED IN THE FOLLOWING COUNTRIES	I AM NOW RESIDING IN (Name of country)
Mexico	☒ Permanently ☐ Temporarily

MY REASONS FOR SUCH FOREIGN RESIDENCE ARE:
I have been studying in Mexico (business administration). I graduated in June, 1971. I am working here and plany to marry in a year.

DATA ON BROTHERS AND SISTERS, LIVING AND DECEASED

NAME	DATE AND PLACE OF BIRTH	PRESENT ADDRESS
Miss Constance E. Terrazas	March 16, 1951 Chicago, Ill.;	8036 N. Merrill St., Niles, Ill. 60648

IF ANY BROTHERS AND/OR SISTERS HAVE APPLIED FOR A PASSPORT OR REGISTRATION, FURNISH FOLLOWING INFORMATION

NAME	DATE OF APPLICATION	PLACE OF APPLICATION
none		

OTHER REFERENCES IN THE UNITED STATES

NAME	ADDRESS
Miss Dorothy Wootton	6959 N. Ridge Blvd., Chicago, Ill.
Mrs. Irene Schliephake	3836 N. Troy St., Chicago, Ill.

SCHOOLS ATTENDED IN THE UNITED STATES

NAME	ADDRESS	PERIOD OF ATTENDANCE
T. Jefferson Grammar School	Park Ridge, Ill.	1953-1959
East Maine Twp. High School	Park Ridge, Ill.	1961-1965
University of Illinois, Chicago Circle,	Chicago, Ill.	1965-1968

BAPTISMAL DATA: First Methodist Church of Park Ridge (Ill.) 1959

MARRIAGE PRIOR TO MARCH 3, 1931

The following section is to be completed by a woman applicant (or a wife to be included in a passport or registration) who, (1) was previously married before March 3, 1931, and (2) has not been issued or included in a United States passport or registration as a United States citizen abroad since March 3, 1931.

PREVIOUS MARRIAGE TERMINATED BY ☐ Death ☐ Divorce	DATE TERMINATED
NAME OF FORMER HUSBAND (First, middle, last)	PLACE OF HIS BIRTH (City, state)

IF FORMER HUSBAND WAS BORN OUTSIDE OF THE UNITED STATES, COMPLETE ONE OF THE FOLLOWING:

☐ HE WAS NATURALIZED AS A U.S. CITIZEN ON	PLACE (City, state)	NATURALIZATION CERTIFICATE NO.

☐ HE OTHERWISE ACQUIRED U.S. CITIZENSHIP AS FOLLOWS

☐ FORMER HUSBAND WAS NOT A U.S. CITIZEN

I have read (had read to me) (language) the contents of this application and I swear that I understand the statements contained herein. ENGLISH

Laurence James Terrazas
(Signature of Applicant)

FATHER'S NAME: Carlos Mariano T[illegible]ma Navarro
FATHER'S COUNTRY OF BIRTH: Mexico
[ ] U.S. CITIZEN [X] NOT U.S. CITIZEN
DATE NATURALIZED: no
PLACE NATURALIZED (City, state):
FATHER'S DATE OF BIRTH: July 10, 1903
[X] FATHER DECEASED [ ] FATHER RESIDING AT
FATHER RESIDED IN U.S. From 1944 To 1970
MOTHER'S MAIDEN NAME: LaVerne Genevieve Wootton
MOTHER'S COUNTRY OF BIRTH: U.S.A.
[X] U.S. CITIZEN [ ] NOT U.S. CITIZEN
DATE NATURALIZED: U.S. birth
PLACE NATURALIZED (City, state):
MOTHER'S DATE OF BIRTH: Sept. 28, 1925
[ ] MOTHER DECEASED [ ] MOTHER RESIDING AT
MOTHER RESIDED IN U.S. From always To
[X] I WAS NEVER MARRIED [ ] I WAS LAST MARRIED ON (Date)
PRESENT FULL LEGAL NAME OF HUSBAND OR WIFE: none
HUSBAND'S OR WIFE'S PLACE OF BIRTH (City, state)
HUSBAND'S OR WIFE'S DATE OF BIRTH
[ ] HUSBAND OR WIFE IS U.S. CITIZEN [ ] HUSBAND OR WIFE IS NOT U.S. CITIZEN
HUSBAND OR WIFE NOW RESIDING AT
[ ] MARRIAGE NOT TERMINATED
[ ] MARRIAGE TERMINATED BY [ ] DEATH [ ] DIVORCE ON

PROPOSED TRAVEL PLANS

[X] I INTEND TO RETURN TO THE UNITED STATES WITHIN 6 MONTHS ____ YEARS TO [ ] RESIDE [X] VISIT. [ ] INDEFINITE
[ ] I NEVER INTEND TO RETURN TO THE UNITED STATES
I INTEND TO CONTINUE TO RESIDE ABROAD FOR THE FOLLOWING REASON
I am living and working in Monterrey, N. L. Mexico and plan to get married within a year.

COMPLETE IF RETURNING TO U.S.
PORT OF DEPARTURE
DATE OF DEPARTURE
NAME OF SHIP OR AIRLINE

WARNING: Travel to or in countries or areas for which the passport is not valid will result in the withdrawal of passport facilities and may result in prosecution under Section 1544 of Title 18, United States Code.

False statements made knowingly and willfully in passport applications or in affidavits or other documents submitted therewith are punishable by fine and/or imprisonment under the provisions of 18 USC 1001 and/or 18 USC 1542. 18 USC 1543 provides for a fine and/or imprisonment for the alteration or mutilation of a passport issued pursuant to this application. 18 USC 1544 provides for a fine and/or imprisonment for the use of a passport in violation of the restrictions therein.

I have not (and no other person included in the application has), since acquiring United States citizenship, been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state; ever sought or claimed the benefits of the nationality of any foreign state; or been convicted by a court or court martial of competent jurisdiction of committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States or conspiring to overthrow, put down or to destroy by force, the Government of the United States.

(If any of the above-mentioned acts or conditions have been performed by or apply to the applicant, or to any other person to be included in the passport or re[illegible] strike out the portion which applies should be struck out, and a supplementary explanatory statement under oath (or affirmation) by the person to whom the portion is applicable should be attached and made a part of this application.)

I solemnly swear (or affirm) that the statements made on all the pages of this application are true and that the photograph attached is a likeness of me and of those persons to be included in the passport.

OATH OF ALLEGIANCE

XXXX

Plaintiff's Birth Certificate. Note that it clearly indicates the correct name of his place of birth. No American educated individual would insist that plaintiff was born in MONTGOMERY. A Mexican Lawyer however in the employ of a senior Mexican Offiçal such as Uncle Jorge would be inclined to refer to Takoma Park in the manner that legal documents in Mexico would refer to a Mexican town.

MARYLAND STATE DEPARTMENT OF HEALTH
Bureau of Vital Statistics, 2411 N. Charles Street, Baltimore
CERTIFICATE OF LIVE BIRTH

25162

Reg. Dist. No. 223

NAME OF CHILD: Terrazas, Laurence James

4. DATE OF BIRTH: December 13, 1947
5. Sex: M
6. Number months of pregnancy: full term
7. Twin or other? single
7(a) If so-born 1st, 2d, 3d
8. Hour of birth 2:37 P.M.

PLACE OF BIRTH:
2. USUAL RESIDENCE OF MOTHER:
Montgomery
Takoma Park
Washington Sanitarium & Hospital
3 days
State D. C.
County
City or town Washington
Street No. 1211 Staples St., N.E.

FATHER OF CHILD
Name Carlos Terrazas (no middle name)
White
11. Age at time of this birth 44 yrs.
18. Birthplace Chicago, Ill.
19. Usual occupation Secretary
20. Industry or business Translator

MOTHER OF CHILD
15. Full maiden name LaVerne Genevieve Wootton
16. Color White 17. Age at time of this birth 22 yrs.
18. Birthplace Chicago, Ill.
22. Mother's name and address for mailing registration notice: Mrs. Carlos Terrazas (as above)

7(a) If so-born 1st, 2d, 3d: 0
Total other children born alive but now dead? 0
Total other children born to this mother 0

I hereby certify to the birth of this child, who was born alive on the date and hour stated above. The information given was furnished by Mr. Carlos Terrazas, related to this child as father.

Actual signature: Z. Frances Murphy M.D.
Attending physician ☐ Midwife ☐ Registrar ☐
Address Takoma Park 12, Md.
Date signed 12-14-47

Filed for record in the Office of the Registrar DEC 19 1947
Name added by State Registrar per

I HEREBY CERTIFY THAT THIS ATTACHED IS A TRUE COPY OF A RECORD CREATED THAT THIS OFFICE IN THE DIVISION OF VITAL RECORDS ON

SEAL IMPRESSED WITH RAISED SEAL

DATE ISSUED: OCT 8 1971

DIVISION OF VITAL RECORDS — CHIEF

WARNING: It is illegal to duplicate this copy by photostat or photograph.

DEPARTMENT OF STATE
FOR SERVICE OF THE UNITED STATES OF AMERICA

CERTIFICATE OF LOSS OF NATIONALITY OF THE UNITED STATES

This form is prescribed by the Secretary of State pursuant to Section 501 of the Act of October 14, 1940 (54 Stat. 1171) and Section 358 of the Act of June 27, 1952 (66 Stat. 272).

DEPARTMENT USE ONLY
DEPARTMENT OF STATE
DEC 21 1971 (Date)
CERTIFICATE APPROVED
Frances G. Knight
Director, Passport Office
By

Consulate General of the United States of America

at Monterrey, Mexico ss:

I Wesley H. Parsons (Name)

hereby certify that, to the best of my knowledge and belief,

Laurence James Terrazas (Name)

was born at Takoma Park (Town or City), Montgomery (Province or County)

Maryland (State or Country), on December 13, 1947 (Date).

That he (~~was~~) resided in the United States, 1947-May 1968.

That he resides at Guayana Holandesa 331, Monterrey, Mexico;

That he acquired the nationality of the United States by virtue of birth in the United States of America;

That he acquired the nationality of Mexico by virtue of birth in the United States of a Mexican father;

That he took an oath of allegiance to Mexico, a foreign state, in connection (The action causing expatriation should be set forth succinctly) with his application for a Certificate of Mexican nationality.

That he thereby expatriated himself on April 3, 1971 under the provisions of Section 349(a)(2) of (~~the Nationality Code~~) the Immigration and Nationality Act)*.

That the evidence of such action consists of the following:

Documents listed below.

NOTE DATE !!

That attached to and made a part of this certificate are the following documents or copies thereof: (1) Affidavit executed by Mr. Terrzas on Nov. 15, 1971. (2) Copy of Certificate of Mexican Nationality No. 1962.

In testimony whereof, I have hereunto subscribed my name and affixed my office seal this 7th day of December, 19 71

(SEAL)

FILE
Copy I.N.S.
Copy CON.

Wesley H Parsons (Signature)
Wesley H Parsons
Vice Consul of the United States of America (Title)

* Strike out inapplicable item.

FS-348

EXERPTS FROM FOREIGN AFFAIRS MANUAL WHICH PARSONS USED.

224.13 Admitting Act of Expatriation in Questionnaire

If the person admits in the questionnaire the commission of an act of expatriation but alleges facts which, if established, might be regarded as proof that the act was performed involuntarily, the officer should advise him concerning evidence which he might endeavor to obtain to substantiate his allegation.

224.14 Application for Passport or for Registration

The Department desires, if possible, that an application for a passport or for registration be taken from every person not currently documented who visits or communicates with a consular office with a view to ascertaining his nationality status or of obtaining documentation as an American national, even though the officer handling the case believes that he has lost the nationality of the United States.

224.15 Surrender of Naturalization Certificate

An officer of the Foreign Service in submitting a certificate of expatriation or a certificate of loss of nationality shall endeavor to persuade the person concerned to surrender his naturalization certificate for transmission to the Department with such certificate.

224.16 Statement Regarding Legal Provision Resulting in Loss of Nationality

The exact provision of law under which United States nationality was lost shall be given in the certificate of loss of nationality. (See Exhibit 224.1(p.4), item 7.) Statements should not be made indicating that nationality was lost under more than one section of law.

224.17 Foreign Service Statement Regarding Credibility of Person Involved and Evidence

The officer shall, in every case, express his opinion of the credibility of the applicant and the evidence.

224.18 Certificates and Documents Not To Be Submitted Without Signature and Seal of Consular Officer

Reports made pursuant to section 340(d) of the Immigration and Nationality Act, renunciations of United States nationality, and oaths of repatriation taken for the purpose of regaining United States nationality, must bear the signature and seal of the consular officer. Copies of such documents are transmitted to the Department of Justice. Reproduced copies on paper which will not adequately show the signature and seal, such as copies made by ozalid reproduction, are therefore not acceptable.

224.19 Policy to be Followed in Determining Loss of Nationality

a. General Principles and Procedures in Loss of Nationality Cases

Rights and privileges of nationality in the United States are to most persons their most valuable assets and should not be taken away from them except upon clear and convincing evidence that they have performed acts or fulfilled conditions resulting in the loss of such rights and privileges. As was said by the Supreme Court of the United States in the case of Perkins et al v. Elg (307 U.S. 325 (1939), "Rights of citizenship are not to be destroyed by an ambiguity."

It should be borne in mind that all of the acts and conditions resulting in expatriation under the laws of the United States clearly imply their voluntary performance or fulfillment. Subsection (b) of section 349 of the Immigration and Nationality Act provides that when a person is a national of a country and has been physically present therein for 10 years and thereafter performs in the country any of the acts of expatriation enumerated in subsection 349(a) of the Act he "shall be conclusively presumed to have done so voluntarily and without having been subjected to duress of any kind." (For a discussion of section 349(b), see Interpretations, section 225.10.)

The presumption raised by section 349(b) of the Act has no application to cases in which the acts were performed voluntarily but without knowledge of the individuals' United States citizenship. (See section 223.8, Interpretations.) Aside from cases involving lack of knowledge caused by misinformation or act of the Department, the application of this principle is restricted to first-time applicants, when the information furnished by the individual raises the issue of lack of knowledge. The applicant may state specifically that he did not know he had a claim to citizenship, or the information furnished may indicate that fact. If the information indicates the possibility of lack of knowledge of U.S. citizenship prior to the performance on an act of expatriation, the matter should be explored thoroughly and the facts definitely determined at that time.

In each case in which an applicant alleges lack of knowledge of United States citizenship, he should be required to submit evidence showing that he has been documented as a citizen of a foreign country for a reasonable time prior to his current application.

Since the evidence of lack of knowledge is intrinsically subjective, it rests primarily on the credibility of the statements of the applicant. Consular officers should question each applicant carefully to adduce all relevant facts. If the officer is satisfied that the claim is bona fide, he should state this fact specifically in his opinion. If the interrogation develops facts which cast doubt upon the bona fides of the claim to lack of knowledge of citizenship, a full report should be submitted covering the facts which give rise to the doubt.

Understanding and thoroughness are required in handling each case involving the question of nationality of the United States in order that an injustice may not be done to an individual by the Department or that it may not generally be considered that justice can be obtained only by resorting to legal action. At the same time, diligence should be exercised in any such case in order to prevent, as far as may be possible, the perpetration of fraud upon the Department or the Federal courts in the United States in nationality cases by persons who voluntarily performed an act or fulfilled a condition penalized by the laws of the United States by loss of nationality.

b. Procedure for Handling Applications for Nonimmigrant Visas by Persons Who May Have Claim to U.S. Citizenship

(1) Persons Who Do not Wish to Pursue Such Claim

Notwithstanding the general policy set forth above, the question of possible possession of United States citizenship by an applicant for a nonimmigrant visa, which cannot be decided on the basis of information and evidence at hand, need not be resolved in cases where the applicant does not wish to have his status clarified. In such cases consular officers should be satisfied that the applicant has established bona fide nonimmigrant status, apart from the question of a possible claim to United States nationality (9 FAM 22 CFR 41.25, Notes 1 and 2).

The President of the United States has specifically requested the Department to expedite where practicable the issuance of nonimmigrant visas, and to encourage international travel consonant with the national interest. Posts sometimes find that visa applicants, who are generally prepared to travel immediately, are confused or resentful when informed that they cannot be issued a visa until the possibility of their possession of United States citizenship is resolved. The procedure usually necessitates the obtention of various documents and subsequent consideration of their cases by the Department, and several weeks may elapse before the applicants receive documentation to enter the United States.

This situation is particularly perplexing to applicants for nonimmigrant visas who often have no interest in pursuing a possible claim to United States citizenship. The applicants cannot understand why an intended visit of limited duration to the United States must be frustrated merely by the fact that they may possess United States citizenship.

These cases normally arise when information contained in a visa application indicates that the applicant has a possible claim to United States citizenship. Such applications are then referred by the Visa section to the Citizenship section for determination of the person's citizenship status. The following procedure is approved in such cases:

PROCEDURE THAT WAS REQUIRED TO BE FOLLOWED

224.7 Amplification of Certificate

When preparing a certificate of expatriation or certificate of loss of nationality the certificate shall be amplified in appropriate cases by adding a paragraph setting forth the names, places, and dates of birth, and present addresses of the spouses and children, if any, of the individual concerned and whether any such person is considered to have acquired foreign nationality. The certificate, however, is not to be regarded as a certificate of expatriation of the spouse or children of any person in whose case a certificate is prepared.

224.8 Additional Guides for Preparation of Certificate of Loss of Nationality

A certificate of loss of nationality must be complete in form and accurate in content. It should contain only statements which support the conclusion that the person has expatriated himself. When submitted it should incorporate all of the evidence of record which supports the action taken.

Information which tends only to be in derogation of the conclusion that the individual has expatriated himself, whether it is in an affidavit by the individual, in evidence which he submits, or in information submitted by the consular officer, is not to be attached to the certificate. Such information may be included with an application for passport or registration containing the consular officer's opinion, as specified in section 224.14, or submitted separately with an accompanying operations memorandum. All such information and evidence must be submitted for consideration in reaching a final decision on the certificate.

224.9 Preliminary Finding and Final Approval of Certificate

The initial determination by the Department on certificates or other reports of loss of United States nationality is termed a preliminary finding. The preliminary finding procedure is designed to provide full opportunity for persons who may have performed acts of expatriation to present additional information, evidence, legal arguments, or other reasons why they should not be held to have lost their United States nationality. It should be emphasized that these cases are not adversary proceedings. Every precaution must be taken to assure that the rights of the individual and the administration of the laws are scrupulously observed.

The procedure described below will reduce the number of (1) frivolous appeals, and (2) appeals based upon evidence which was available but not presented when the preliminary finding was made.

a. Preliminary Finding

When the Department determines that the available information and evidence indicates that a person may have lost his United States nationality by the performance of a certain act or acts, it will notify the post by operations memorandum that a preliminary finding to that effect has been made. (See exceptions to preliminary finding provisions in paragraph c.)

The post then writes to the person concerned as follows:

"Dear _____:

"In view of the provisions of United States law set forth below and the facts summarized in this letter, it appears you may have lost your United States nationality by certain acts you have performed. The purpose of this letter is to inform you that this question has arisen, and to give you an opportunity to present any evidence or arguments you may wish that bear on the question.

"Section (appropriate section) of the Immigration and Nationality Act reads as follows:

(Quote the section)

FORM LETTER REQUIRED TO BE GIVEN TO TP WHICH WAS NOT

W2

"The following facts indicate that the quoted provisions of the law may apply to you.

(Summarize the facts of the person's case leading to this conclusion).

"Your (describe act briefly, for example, voluntary naturalization in France) is regarded as highly persuasive evidence of an intent to relinquish United States nationality. The information presently of record relating to the surrounding circumstances, motives, and purposes of your act, does not appear sufficient to negate such intent. (If the act by itself is not considered highly persuasive evidence of an intent to relinquish United States nationality, but is accompanied by apparently persuasive evidence of an intent to transfer or abandon allegiance, change this paragraph accordingly. For example, 'your voluntary service in the armed forces of France performed under the circumstances previously noted is regarded as highly persuasive evidence of an intent to relinquish United States citizenship. The information presently' . . . etc.).

"In accordance with the established procedures you are free to submit to this (Embassy, Consulate) within 60 days from the date of this letter, for transmission to the Department of State, any additional information or evidence you believe should be considered in reaching a decision in your case.

"If you believe it will take longer than 60 days to gather such information or evidence you should so inform us. If we do not receive such information or evidence within 60 days, or, in lieu of that, a letter stating that such material will be submitted within a short time after the 60 days have elapsed, the Department of State's decision will have to be made on the evidence already available. I have been instructed to inform you that the evidence now available is of such a nature that under the law it is likely to result in a determination that you have lost the nationality of the United States unless that evidence is overcome by other evidence you may submit.

"You may wish to consult with your attorney concerning the evidence or information to be submitted. We would be pleased to transmit to the Department of State any information or evidence you may wish to present, including information on (points the post or Department may consider of special significance)."

The post may grant extensions beyond the 60-day period mentioned in the letter. The Department should be informed of each extension as it is given by transmission of a file copy of the post's letter granting the extension. The copy should be initialed by the consular officer.

Any additional information or evidence submitted by the subject in response to notice of the preliminary finding should be sent to the Department, together with the consular officer's evaluation of the new information or evidence.

If the subject, by the end of the 60-day period, has not responded to notice of the preliminary finding, submit the case to the Department with a statement to that effect. The initialed file copy of the letter giving notification of the preliminary finding is to be forwarded to the Department in each case. Unless there is reason to believe the subject did not receive the post's letter, or that a reply to the letter will soon be received, the Department will make its decision on the available information and evidence.

If, upon completion of the preliminary finding procedures, the officer considers that a final determination of loss is warranted, he submits a certificate of loss of nationality, or of expatriation, unless he has already done so. If the information or evidence obtained during the preliminary finding procedure reveals that the certificate previously submitted is defective, for any reason, he submits a new certificate.

Whenever the officer decides that the certificate previously submitted should be disregarded, he notifies the Department and gives his reasons.

b. "Potentially Sensitive" Cases

(See section 224.2, Procedures.)

c. Exceptions to the Preliminary Finding Provisions

No preliminary finding will be made as a general rule in the following types of cases. Rather, a final determination of loss of nationality will be made and the certificate approved.

(1) Renunciation of United States nationality in the prescribed form.

W2

signed, and tell me whether any information on that document is not accurate and true information.

THE WITNESS: The address given as my residency in Mexico City is a place where I never lived.

THE COURT: Who lived there, if you know?

THE WITNESS: A brother of my father, Jorge Terrazas.

THE COURT: And was that the aunt that you made reference to --

THE WITNESS: No, your Honor.

THE COURT: -- where you said you lived?

THE WITNESS: No, I was living in Monterrey, Mexico, a thousand miles away from here.

THE COURT: All right, what else is inaccurate?

THE WITNESS: At the bottom, it says that I swore to this document on the 16th of November, 1970. That's an untrue statement because I never signed that document on that date.

THE COURT: Now, when you signed this document, in September, you say --

THE WITNESS: Yes, sir.

THE COURT: -- was there any written information on that document furnished by you?

THE WITNESS: No, sir, there was not.

THE COURT: What was on that original when you signed it?

THE WITNESS: The original was a form letter, just as that is, without any indications of my father's name, mother's name, address, or anything.

THE COURT: Any who gave this to you to sign?

THE WITNESS: My father did.

THE COURT: And what did he tell you?

THE WITNESS: He told me that I was signing a document necessary for me to get my diploma in Mexico.

THE COURT: Did you ask him what that document meant?

THE WITNESS: Yes, I did.

THE COURT: What did he tell you?

THE WITNESS: He told me: "Don't worry about it. Don't argue with me. Just sign it."

THE COURT: Now, did that document at that time contain the following language in Spanish?

Give him a copy of that. Have you got it in front of you?

THE WITNESS: No.

MS. MOSELEY: Here it is.

THE COURT: It is directed to the:

"Department of Foreign Affairs
Bureau of Legal Affairs
Nationality Division
T-l-a-t-e-l-o-l-c-o."

How do you pronounce that?

THE WITNESS: Tlatelolco, or something like that.

THE COURT: Tlatelolco?

THE WITNESS: Right.

THE COURT: "Tlatelolco, D.F. Re: Application for Certificate of Mexican Nationality."

Was that on there when you signed that document?

THE WITNESS: Yes, it was.

THE COURT: And you read it?

THE WITNESS: No, I didn't.

THE COURT: You didn't read the document at all in Spanish?

THE WITNESS: I didn't read it at all, sir.

THE COURT: You didn't read it at all?

THE WITNESS: I glanced at it, but that's it.

THE COURT: The first paragraph of that is in Spanish, and the translation I have. You have the document in front of you, and you tell me whether it is a literal translation.

"I hereby respectfully request that I be issued a Certificate of Mexican Citizenship on the basis of the facts confirmed by the attached documents and in accordance with the legal provisions applicable to the case."

Do you remember reading that on that document?

THE WITNESS: No, I don't, your Honor.

THE COURT: Would you say that you did not read it?

THE WITNESS: I would say that I don't remember

EXERPTS OF UNCONTROVERTED TESTIMONY RELATIVE TO EXECUTION OF ONE OF THE TWO APPLICATIONS.

MS. MOSELEY: The same document, Document No. 48.

THE WITNESS: Yes.

MS. MOSELEY: Yes, what?

THE COURT: Does that refresh your recollection?

MS. MOSELEY: Does that refresh your recollection?

THE WITNESS: It says I studied Spanish. I don't remember, your Honor.

MR. MOSELEY:

Q So by 1970, you were fluent in the Spanish language, isn't that correct?

MR. DITKOWSKY: Objection. It calls for a conclusion.

THE COURT: He may answer.

MS. MOSELEY:

Q You are fluent in the Spanish language, isn't that correct?

A I believe I have a fluency in that language, yes.

Q You signed an Application for Certificate of Mexican Nationality dated November 16, 1970, is that correct?

A No, that is not correct.

Q You did not sign a document dated November 16, 1970?

A I did not.

MS. MOSELEY: I would like the court reporter to mark this as Defendant's Exhibit No. --

Your Honor, the difficulty is that we have renumbered the documents, and they didn't follow the pretrial order,

THE COURT: And for the "Domicile" it gives the address:

"Parroquia 731-302, Colonia Del Valle, Mexico, D.F., Zone 12, Mexico."

Was that on there at the time?

THE WITNESS: It was not. However, if it had been, it would have been erroneous, because that was never my address.

THE COURT: But that was not on there?

THE WITNESS: That was not on there.

THE COURT: All right.

"Place and date of birth: Takoma Park, Montgomery County, Maryland, U.S.A., December 13, 1947."

Was that on there?

THE WITNESS: That was not on there.

THE COURT: (Reading):

"Father's name and nationality: Carlos Terrazas Navarro. Mexican."

Was that on there?

THE WITNESS: That was not on there.

THE COURT: (Reading):

"Mother's name and nationality: LaVerne Genevieve Wootton. American."

Was that on there?

THE WITNESS: That was not on there, but, once,

Q At the time that you signed this document, you understood the words, "I therefore hereby expressly renounce United States citizenship" even though it appears in Spanish?

A Carol, those words were not on there.

Q They were not on there on the original?

A Would you please repeat the question?

Q "I therefore hereby expressly renounce United States citizenship."

A Are you referring to Paragraph 2?

Q Paragraph 2, yes.

A The document that I signed did not give any specific nationality. It doesn't say "citizenship." It says "nationality."

Q But you understood the words, "I therefore hereby renounce --"

A Nationality.

Q "--nationality," and the state had to be filled in?

A It would have had to be filled in.

Q And you understood those words, even though they were in Spanish?

A As I so stated, Carol, I don't remember what was on the form. I don't remember if I read it, and I don't even know if I understood it.

Q Well, you were fluent enough in Spanish to have understood it, if you had read it?

John Christiansen and I were socializing. He wanted to know -- he was not asking any questions, trying to find anything that I was doing wrong. He only asked me about my status, what was I doing in Mexico? I told him I was going to school. I told him that I was working. Mr.Christiansen asked me if I was working as a resident American or if I --

Q So in other words, your answer is that you went there at the urging of Mr. Christiansen, is that right?

A Yes, sir. He advised me to go to the Consulate.

Q Had anybody prior to this time questioned your American citizenship?

A No, sir, they had not.

Q And had you traveled to the United States without any questions being asked as to whether you were a citizen or not?

A Yes, sir.

Q I show you a document that was originally in the Defendant's Pretrial Memorandum as Exhibit 23 which has not been produced. It will be our Exhibit LT-4, and I ask you, Mr. Witness, if you received the original of this letter?

A Yes, sir, I did.

Q Is that a true and correct copy of the letter?

A Yes, sir, it is.

Q Who is that letter from?

to this document? Were you present in the courtroom when Mr. Parsons testified to this document?

A Yes, I was. I was present when Mr. Parsons made his statement regarding this document, and I was present when Ms. Ibarra made her statement.

Q Now, this document was typed by you, is that correct?

A Yes, sir, it was.

Q And you did not make the corrections on this document, did you?

A No, sir, I did not.

Q Who made the corrections on this document?

A To the best of my recollection, large portions of paragraphs were stricken by Mr. Parsons. I do not remember if Mrs. Ibarra made any changes on here. I know she saw the document. I cannot ascertain at this moment, nor do I want to swear if she did or she did not make any changes.

Q But your recollection is that Mr. Parsons made them?

A My recollection is that Mr. Parsons made deletions of paragraphs. I do not know specifically which ones, nor do I know if he made any changes on the front part of the form where the questions are.

Q Did you object to any deletions?

Q Why did you not?

A . Because at that time, I was trying to help them get all of the documentation needed so that they could createthe file that they needed to create.

Q Why did you feel it necessary to create a file?

A Because I wanted to make sure that my position was clear, and I was trying to establish my status as an American citizen.

Q Did you have any intention of obtaining a Certificate of Loss of Nationality?

A No, sir, I did not.

Q Now, on the back of Page 3 of this document, you refer to a Consular Official. Will you identify the Consular Official you refer to?

A All of my transactions regarding these documents were handled between Mr. Parsons and Mrs. Ibarra. The Consular Official that I refer to is Mr. Parsons.

Q How did you get to the Consulate to begin with?

A I went to see Mr. Parsons on a Monday. I went to a party on a Saturday evening, a birthday party for one of the employees of the American Consulate in Monterrey.

During that time, I was socializing, talking to different officials of the American Government, different employees of the American Government. During my socializing, I met Mr. John Christiansen.

TESTIMONY OF APPELLEE RELATIVE TO HOW HE GOT TO THE CONSULATE AND WHAT WAS SAID TO HIM.

to the Republic of Mexico?

A .No, sir, I did not.

Q Now, Mr. Terrazas, you signed documents which have been presented in this court which say that you did sign an oath of allegiance to the Republic of Mexico. Can you explain why you signed those documents?

MS. MOSELEY: Objection, your Honor.

THE COURT: He may answer.

THE WITNESS: I was told by the Citizenship Officer of the American Consulate in Monterrey, Mexico, that by obtaining a Certificate of Mexican Nationality, I had sworn allegiance to Mexico.

THE COURT: Who told you that? What was the name of the man?

THE WITNESS: Mr. Wesley Parsons.

BY MR. DITKOWSKY:

Q And what else did he tell you?

A At that time, he asked me did I realize by taking this oath of allegiance to Mexico, that I was committing an overt act of treason against the United States.

Q And what did you tell Mr. Parsons?

A I told Mr. Parsons that I did not know I was committing any act against the United States, and as far as I was concerned I considered myself as a loyal American citizen.

Q Did you pay him a fee?

A I did not pay him a fee. My father paid him.

Q Did you know of his actions?

A I did not have the slightest idea of what he was doing in Mexico City.

Q Did you authorize Attorney Rebollar to appear for you and obtain a Mexican Birth Certificate?

A No, sir, I did not.

Q Did you authorize him to sign your name?

A No, sir, I did not.

Q Do you have Exhibit 32 here?

A No, when you first asked for it, I didn't have it.

Q All right. I show you a copy of Exhibit 32. The copy that has the number on it seems to have disappeared. I ask you to identify what that document is.

A It is an Application for Certificate of Mexican Nationality.

Q Now, I want you to look at the signature on that document, and I want to ask you a question about that signature.

A Yes, sir.

Q Is that your signature?

A No, sir, it is not.

Q Did you authorize anyone to sign your name to that?

A I did not.

U.S. fails to keep tabs on foreign student

By John Maclean

Chicago Tribune Press Service

WASHINGTON—In the wake of Atty. Gen. Griffin Bell's vow to deport Iranian students convicted of violence, the Justice Department has discovered record keeping so sloppy that the federal government doesn't know how many foreign students are in this country.

Partly as a result, thousands of foreign students, many of whom are not Iranians, face possible deportation, according to early results of the department's probe. The Immigration and Naturalization Service (INS), a Justice Department agency, faces a major shakeup.

INS figures show 323,000 foreign students in this country, of which 231,710 are "out of status," an INS term meaning they have overstayed their visas or cannot be located at schools they were to attend. Both conditions are grounds for deportation, as is conviction on a felony charge.

BUT THOSE figures do not include students who went home after the school year ended last spring, or those who arrived for the school year which began last fall. About 115,000 students come here each year from abroad.

Bell, who personally ordered the probe, was said to be "mad as a S.O.B." about INS inefficiency. Other Justice officials said INS records were so poor that they "don't even know what the size of the problem is."

When Bell ordered the check following a violent demonstration by Iranians in Beverly Hills, Cal., Jan. 2, it was found that INS computers had a backlog of 1 million pieces of information waiting to be fed into them.

INS records were more than six months out of date, the agency could not say how many students were in the country, and INS executives claimed they had so few inspectors they could not track down most visa offenders.

AS A RESULT, Bell ordered every INS district director to check by phone in his area with all the schools having foreign students in an effort to get current information.

Bell also ordered a spot check in the Los Angeles area where the Jan. 2 demonstration occurred. The files of 500 students there have been checked at random in a preliminary survey that showed 28.8 per cent out of status. Bell's spokesman, Terry Adamson, cautioned that could mean simply that a student has transferred from one school to another without notifying INS.

"The foreign student problem is clearly a significant contributor to the illegal alien problem," Adamson said.

"We think it is healthy to have a flow of foreign students in and out, but there is a notable problem if too many students overstay their visas."

THE INS has estimated there are about 36,000 Iranian students here. But the State Department has estimated the number as high as 50,000-60,000, many of whom are believed no longer attending classes.

Continued on page 16, col. 1

A spokesman for the INS, Verne Jervis, said that INS is so understaffed and its record keeping so poor that INS investigators do not work on individual cases. Jervis said that if a foreign student drops out of school, overstays his visa, and gets a job here, "the chances of his being caught are not very great." The 1,000 INS inspectors spend their time instead trying to track down businesses that employ large numbers of illegal aliens.

"We're operating out of 40 million manila folders all over the country," Jarvis said. "When someone applies for naturalization, we have to send for his paper file. We lose [track of] about 10,000 people a year who come into the country on tourist or student visas."

JERVIS SAID efforts to computerize information have been made but have advanced slowly. He acknowledged that human operators are about 6 months behind in feeding information into the computer bank.

After visiting the INS, Bell began considering the formation of a special task force to make recommendations on ways to unscramble the agency's managerial ills.

Following the anti-shah riot in Beverly Hills, in which 7 were arrested and 11 injured, Bell pledged to deport all Iranians guilty of violence in this country as fast as the law allows.

He also said he was partly to blame for past policy, which left the handling of the Iranians strictly to local police. He said he should have taken the matter in hand after Iranian students attacked police and civilians during a visit to Washington by the Shah of Iran a year ago last November.

BELL WARNED the Iranians: "We're not going to put up with this kind of conduct by visitors to this country." Since then, he has widened the probe to include deportation of any foreign student who was in violation of INS law.

The INS has balked at such a review in the past on grounds it lacked manpower. Bell reacted with heat to the INS claim. He told a newsman, "If the attorney general directs them to do it, they'll do it. Everything about INS is a shortage of manpower. They have 10,000 people. They must be able to do something."

Bell's comments, though sharper, mirror and extend those made by other Justice Department officials during a recent Tribune investigation of the INS.

Previous investigations of the INS were described as having been kept "within the confines of the agency."

U. S. agencies fail to keep tabs on foreign students

While 8000 AMERICANS ARE INVOLUNTARILY EXPATRIATED FOREIGN STUDENTS ARE UNSUPERVISED. (ACCORDING TO JURISDICTIONAL STATEMENT)